

# WIRRAL COUNCIL

## SCRUTINY PROGRAMME BOARD - 4 MARCH 2010

### REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

#### DRAFT PROTOCOL - SCRUTINY OF THE CRIME AND DISORDER REDUCTION PARTNERSHIP

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#### EXECUTIVE SUMMARY

The Sustainable Communities Overview and Scrutiny Committee has new powers arising from The Police and Justice Act (2006), to:

- (a) review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
- (b) make reports or recommendations to the local authority with respect to the discharge of those functions.

Officers have prepared a draft protocol for the scrutiny of Wirral's Crime & Disorder Reduction Partnership (CDRP) Partnership and it is presented here for the Scrutiny Programme Board's consideration and also to be considered separately by the CDRP. Once comments/amendments are received and this Protocol is finalised and adopted by the Council it will be adhered to when the CDRP is under scrutiny.

#### 1. Background

- 1.1 The provisions contained within section 19 - 21 of the Police and Justice Act 2006 extends the remit of local authorities to scrutinise the functioning of the local CDRP in England. These requirements were enacted by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 that came into force for local authorities in England on 30 April 2009 and their implementation is covered by Home Office Guidance for the Scrutiny of Crime and Disorder Matters - England.
- 1.2 In Wirral, the scrutiny of the CDRP is to be undertaken by the Sustainable Communities Overview and Scrutiny Committee, which has been designated the "Crime and Disorder Committee" under Paragraph 1, Section 19 of Part 3 of the Act.
- 1.3 The members of CDRPs are required to take part in scrutiny locally. This includes the main partners ('responsible authorities'): local authorities, fire and rescue authorities, police authorities, the police, primary care trusts in England), plus the 'co-operating bodies': probation, NHS trusts, proprietors of independent schools, further education institutions.
- 1.4 As suggested in the Guidance, this Protocol is being developed to lay down the mutual expectations of partners and scrutiny members of the community safety scrutiny process. This is to help make sure that this scrutiny is constructive and that this power is used effectively alongside the other powers of council overview and scrutiny.

## **2. Introduction**

- 2.1 Scrutiny provides a positive opportunity for non Executive Councillors to influence the crime and disorder reduction priorities locally for the benefit of local Communities. Section 19 - 21 introduce a general duty to look at partnership activity and community safety issues in a local area. This role can involve contributions to strategy development, review of performance of the partnership in implementing the Crime and Disorder Reduction Reform programme, and in depth reviews into particular issues of local concern which need partnership solutions. The Sustainable Communities Overview and Scrutiny Committee has a key responsibility to monitor the impact and outcomes of the Local Area Agreement crime and disorder targets. The performance of the CDRP is included in the overall borough-wide Comprehensive Performance Assessment.

## **3. Principles of Crime and Disorder Scrutiny**

- 3.1 Community safety is intended to allow people to go about their daily lives in the widest sense in safety. Improving community safety is by tackling crime and disorder and more widely about local partners working together, with local communities, to keep everyone safer. This includes: promotion; prevention; early intervention; enforcement; reducing re-offending; and tackling key drivers of crime such as alcohol/drug misuse and social exclusion.

- 3.2 The primary goal of Crime and Disorder scrutiny is to improve community safety for all Wirral people. Crime and disorder scrutiny in Wirral must involve scrutiny members and CDRP partners working closely together in a positive, objective and constructive manner. The role of scrutiny is to provide an effective challenge to community safety partners and for the voices and concerns of Wirral communities to be heard. There are opportunities for:

- Enhanced dialogue with the partnership
- Non Executive Councillors to contribute to and influence community safety priorities locally
- Enhanced democratic accountability in respect of community safety initiatives delivered in partnership
- Councillors, partners and the wider community to investigate local concerns around community safety and innovative ways of addressing these
- Reviewing delivery against agreed priorities and performance targets (taking into account and contributing to other assessment e.g. Comprehensive Area Assessment).

- 3.3 By making recommendations for improvement, scrutiny may make a contribution to achieving the shared aim of increasing community safety (reducing crime and disorder) in Wirral. It may assist in areas such as:

- Integration of community safety with other strategies
- Policy development e.g. criminal justice
- Overseeing and reviewing the delivery of joint responses on community safety
- Creating a clearer link between partner agencies and the public on community safety
- Understanding and increasing community confidence e.g. fear of crime or anti-social behaviour
- Neighbourhood management

3.4 Scrutiny is most likely to be successful in this role, and lead to outcomes that have a positive impact for local communities, if all parties to the community safety scrutiny process work co-operatively, from the basis provided by this Protocol, treating one another (and any occasional participants) with respect and courtesy. This co-operation involves a willingness to share knowledge, information and views and to develop mutual understanding about community safety as well as to carry out such duties as can reasonably be expected.

#### **4. Purpose of the Protocol**

4.1 The purpose of the Protocol is to define the manner in which the Sustainable Communities Overview and Scrutiny Committee may scrutinise the Wirral CDRP and the partners. Following the Protocol will foster a good working relationship between the CDRP and the Sustainable Communities Overview and Scrutiny Committee throughout the scrutiny process.

4.2 The Protocol sets out the mutual expectations of scrutiny members and CDRP members of the community safety scrutiny process.

4.3 To enable the continued improvement of the scrutiny process the Protocol may be revised from time to time. Any revisions of the Protocol must be agreed by all of the interested parties.

#### **5. Wirral's Scrutiny Function**

5.1 Scrutiny in Wirral is designed to drive improvement in public services by focussing on service outcomes. It does this by providing:

- a 'critical friend' challenge to executive policy-makers and decision makers; and
- a mechanism to allow the voice and concerns of the communities of Wirral to be heard.

5.2 The terms of reference of the Sustainable Communities Overview and Scrutiny Committee, in its role as a Crime and Disorder Committee, should include the function of scrutinising the work of the CDRP and the partners who comprise it, insofar as their activities relate to the partnership itself.

5.3 This will include:

- considering actions undertaken by the responsible authorities on the CDRP.
- making reports or recommendations to the Council (and partners) with regard to those functions;
- including a list of issues which it needs to cover during the year in its work programme.

#### **6. Standards**

6.1 Crime and Disorder scrutiny must be, and must be seen to be, open and transparent. To this end any person involved in Crime and Disorder scrutiny must declare any personal and/or pecuniary interest that they have either: in

- the subject of any scrutiny review, or;
- the matters to be considered at any meeting of the Sustainable Communities Overview and Scrutiny Committee.

Wirral Borough Council's Members' Code of Conduct will apply to all members of the Sustainable Communities Overview and Scrutiny Committee as well as to co-opted members and appointed members of that Committee.

## **7. Recommendations:**

That the Scrutiny Programme Board be invited to comment/make amendments to this draft Protocol; and recommend that the Sustainable Communities Overview and Scrutiny Committee, the CDRP and the Cabinet be consulted on the Protocol and it be revised in the light of any comments received, before it is presented to Council for adoption as a clarification of Scrutiny's relationship with the CDRP.

# Draft Scrutiny Protocol

## Scrutiny of the Crime and Disorder Reduction Partnership

### 1. Introduction

- 1.1 Wirral Borough Council has determined that its Sustainable Communities Overview and Scrutiny Committee shall be the Council's Crime and Disorder Committee as required under Paragraph 1, Section 19 of the Police & Justice Act 2006.
- 1.2. The Sustainable Communities Overview and Scrutiny Committee will, therefore, exercise the powers given to local authorities under Part 3 of the Act to scrutinise the Crime and Disorder Reduction Partnership in their area and make reports and recommendations to the Local Authority and the partnership.
- 1.3 This Protocol has been produced between Wirral Borough Council's Sustainable Communities Overview and Scrutiny Committee and the respective partners comprising the Wirral Crime and Disorder Reduction Partnership.
- 1.4 This Protocol conforms with the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and follows Home Office guidance on the implementation of Sections 19 - 21 of the Act. Whilst continuing to observe these requirements, the Protocol may be revised by agreement between all the interested parties in order to continually improve the scrutiny process.
- 1.5 To avoid any conflict of interests Wirral Borough Council Members who sit on the CDRP must not sit on the Sustainable Communities Overview and Scrutiny Committee.

### 2. Principles of Scrutiny Operation

- 2.1 Scrutiny in Wirral is positive, objective and constructive. It acknowledges good practice and recommends improvements where it feels that these would be of benefit. Scrutiny concentrates on service outcomes and seeks to add value to each service that it considers.
- 2.2 Community safety and freedom from crime and disorder for the people of Wirral is dependent upon many factors including the services provided by those in the Crime and Disorder Reduction Partnership. This shared responsibility will be acknowledged by scrutiny and will feature in scrutiny reviews.
- 2.3 Scrutiny of the reduction of crime and disorder will be successful if all parties work together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.
- 2.4 Organisations involved in scrutiny of crime and disorder must be willing to share information, knowledge and reports which relate to the delivery and success of services in Wirral and carry out duties that would be reasonably expected of them to enable crime and disorder scrutiny to be successfully undertaken.

- 2.5 At all times both officers and members of the organisations involved in crime and disorder scrutiny, representatives and members of the public will be treated with respect and courtesy. Matters of confidentiality will be treated as such.
- 2.6 Crime and disorder scrutiny will be open and transparent. Any person involved in crime and disorder scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the Scrutiny Committee in accordance with the Code of Conduct relating to standards of conduct and ethics.
- 2.7 The scrutiny of crime and disorder will seek to improve services and service provision for the people of Wirral in order to increase community safety and reduce crime and the fear of crime in their borough.
- 2.8 The scrutiny of crime and disorder matters will be conducted so as to allow the involvement of the public and local community groups in as relevant and practical way as possible.
- 2.9 Crime and disorder scrutiny shall not to be used as a complaints procedure. Case studies may, however, be used as part of supporting information for scrutiny exercises.
- 2.10 The function of crime and disorder scrutiny is independent of the respective partners in the Partnership.
- 2.11 The aim is to maximise the involvement of Wirral communities, voluntary sector organisations and members of the public in meetings and reviews.
- 2.12 When it is considered appropriate experts and in some cases members of the public, will be co-opted onto the Overview and Scrutiny Committee for specific meetings or reviews.

### 3. The Wirral Sustainable Communities Overview and Scrutiny Committee

- 3.1 All dates, times of meetings, agendas and reports, and subsequent minutes, of the Sustainable Communities Overview and Scrutiny Committee will be published to meet at least the minimum statutorily required. All such information will be circulated to elected Members and the members of the Crime and Disorder Reduction Partnership at least to the minimum so required. This means that the Committee's agenda will be circulated to all Members of the CDRP.
- 3.2 At least once per year the Committee will consult the Crime and Disorder Reduction Partnership and through it, the partners on the annual work plan of the Committee.
- 3.3 The Sustainable Communities Overview and Scrutiny Committee will advise the Crime and Disorder Reduction Partnership in advance of any programme of work or other scrutiny exercise that the Wirral Overview and Scrutiny Committee is intending to undertake in relation to the CDRP. Notification of scrutiny may take the form of a statement at a meeting of the Committee.
- 3.4 The Sustainable Communities Overview and Scrutiny Committee will consult with the Crime and Disorder Reduction Partnership on any draft reports prepared by it and recommendations made before they are published. The following actions will be taken by the Committee when it produces a report or recommendations which will impact, or have the potential to impact, on community safety issues or upon the Crime and Disorder Reduction Partnership or its partners:

- (a) The draft report will be sent to the Crime and Disorder Reduction Partnership and any relevant partners to be checked for factual accuracy.
- (b) Copies of the final report or recommendations will be sent for comment to the Crime and Disorder Reduction Partnership and those community safety partners that are affected by the report or recommendations.
- (c) The Crime and Disorder Reduction Partnership and relevant community safety partners will be asked to provide a written response to the report or recommendations. The response should be provided within 15 working days of the date. If this is not possible the response should, with the agreement of the Committee, be provided soon as is reasonably practicable.
- (d) The Crime and Disorder Reduction Partnership and the relevant partners will be given as much notice as practicable prior to any recommendations or the reports of the Committee being made public.

3.5 Final reports will be presented to Wirral Borough Council and the Crime and Disorder Reduction Partnership. They will be published on the Council's website and circulated in accordance with the regulations on scrutiny of crime and disorder.

3.6 The Sustainable Communities Overview and Scrutiny Committee will inform the Crime and Disorder Reduction Partnership in advance of any press releases relating to crime and disorder scrutiny.

3.7 The Sustainable Communities Overview and Scrutiny Committee will at all times comply with the Constitution of Wirral Borough Council.

#### 4. The Wirral Crime and Disorder Reduction Partnership

4.1 The Partnership and respective partners shall recognise and assist the Sustainable Communities Overview and Scrutiny Committee in fulfilling its role to provide objective and effective scrutiny of crime and disorder in Wirral.

4.2 The Partnership and respective partners shall provide information relating to the planning and operation of crime and disorder reduction activities and strategies requested and required by the Sustainable Communities Overview and Scrutiny Committee. This will not, however, include confidential information that might impinge upon actual police operations or individuals, unless an individual gives consent for such information to be released.

4.3 The Partnership and its respective partners shall provide the Sustainable Communities Overview and Scrutiny Committee with the information requested within 15 working days of the receipt of the request. If this timescale cannot be met or the request cannot be complied with, the Partnership will, within the 15 working day deadline, give its reasons for not complying and will if possible suggest some alternative options.

4.4 The Partnership will respond to crime and disorder scrutiny review final reports and/or recommendations within 15 days of receipt. A copy of such a response will be sent to Wirral Borough Council's Cabinet Member responsible for Community Safety, to individuals who have contributed to the review, and to other relevant parties. If this timescale cannot be met the Partnership will, within the 28 day deadline, give its reasons for not complying and will if possible suggest some alternative options.

- 4.5 A separate Protocol and procedure has been agreed covering references to the Overview and Scrutiny Committee from Elected Members via the Councillor Call for Action.
- 4.6 The Partnership will nominate a main contact person for each crime and disorder scrutiny exercise and maintain regular contact with the Overview and Scrutiny Committee, attending in person when invited.
- 4.7 The Partnership will ensure that officers attending Overview and Scrutiny Committee meetings are able to answer questions openly and are given appropriate support by their line managers.

## **5. Reviews and Revisions**

- 5.1 The publication of Regulations (Guidance May 2009) and good working practice has shaped this Protocol. However, to enable the continued improvement of the scrutiny process it may be revised from time to time. Any revisions must be agreed by all the interested parties.